

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARCUS R. WILLIAMS,

Plaintiff,

v.

DERRAL G. ADAMS, et al.,

Defendants.

CASE NO. 1:05-cv-00124-AWI-SMS PC

ORDER FINDING SERVICE OF SECOND
AMENDED COMPLAINT APPROPRIATE
AND FORWARDING SERVICE
DOCUMENTS TO PLAINTIFF FOR
COMPLETION AND RETURN WITHIN
THIRTY DAYS

(Doc. 26)

Plaintiff Marcus R. Williams ("plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on January 31, 2005. The Court screened plaintiff's second amended complaint pursuant to 28 U.S.C. § 1915A and found that it states a cognizable claim for relief under section 1983 against defendants Adams, Hansen, Wan, and Beeler for denial of exercise in violation of the Eighth Amendment.¹ Fed. R. Civ. P. 8(a); Swierkiewicz v. Sorema N. A., 534 U.S. 506, 512-15 (2002); Austin v. Terhune, 367 F.3d 1167, 1171 (9th Cir. 2004); Jackson v. Carey, 353 F.3d 750, 754 (9th Cir. 2003); Galbraith v. County of Santa Clara, 307 F.3d 1119, 1125-26 (9th Cir. 2002). Accordingly, it is HEREBY ORDERED that:

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¹ On June 4, 2007, plaintiff's claim for declaratory relief and Eighth Amendment denial of exercise claim against defendants Peters and Woodford were dismissed, with prejudice, for failure to state a claim; and defendants Peters and Woodford were dismissed based on plaintiff's failure to state a claim upon which relief may be granted against them. (Doc. 34.)

1. Service is appropriate for the following defendants:

WARDEN DERRAL G. ADAMS

ASSOCIATE WARDEN R. HANSEN

CPT. T. WAN

LT. D. BEELER

2. The Clerk of the Court shall send plaintiff four (4) USM-285 forms, four (4) summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the second amended complaint filed October 13, 2006.

3. Within **thirty (30) days** from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the Court with the following documents:

a. Completed summons;

b. One completed USM-285 form for each defendant listed above; and

c. Five (5) copies of the endorsed second amended complaint filed October 13, 2006.

4. Plaintiff need not attempt service on defendants and need not request waiver of service. Upon receipt of the above-described documents, the Court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

5. The failure to comply with this order will result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: June 8, 2007

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE